



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

July 2, 2013

Mr. Larry Riddle  
Rumpke Waste, Inc.  
10795 Hughes Road  
Cincinnati, Ohio 45251

**RE: Rumpke Sanitary Landfill, Hamilton County  
Notice of Violation**

Dear Mr. Riddle:

On June 24, 2013, John Butler, Senior Site Engineer at Rumpke Sanitary Landfill (Facility) notified Ohio EPA, Division of Materials and Waste Management, Southwest District Office that one (1) shipment of municipal solid waste containing mercury had been accepted for disposal. The waste shipment originated from the Metropolitan Sewer District of Greater Cincinnati's Mill Creek Waste Water Treatment Plant, located at 1600 Gest Street, Cincinnati, Ohio 45204. The mercury was contained in air flow meters that had been removed from the Little Miami Waste Water Treatment Plant. At least seven (7) flow meters were transported to the Mill Creek location and disposed of in an on-site roll off box that was later transported to the Facility.

Mercury is a characteristic hazardous waste, and therefore, prohibited for acceptance at municipal solid waste landfills. By accepting hazardous waste at Rumpke Sanitary Landfill, the Facility is in violation of the following:

1. Ohio Administrative Code (OAC) Rule 3745-27-19(E)(8)(c) which states in part:

"The owner or operator shall not accept for disposal or dispose of any of the following materials at a sanitary landfill facility: materials that are defined as hazardous wastes pursuant to rule 3745-51-03 of the Administrative Code."

2. Ohio Revised Code (ORC) Section 3734.02(E)(2) which states in part:

"Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code..."

3. ORC Section 3734.15(C) which states in part:

"No person who generates hazardous waste shall cause the waste to be transported by any person who is not a registered transporter. No person shall accept for treatment, storage, or disposal any hazardous waste from an unregistered transporter. Any person who is requested to accept such waste for treatment, storage, or disposal shall notify the director, the board of health in the person's location, and the public utilities commission of the request.

If a generator causes an unregistered transporter to transport the hazardous waste, the generator of the waste, the transporter and any person who accepts the waste for treatment, storage or disposal shall be jointly and severally liable for any damage or injury caused by the handling of the waste and for the costs of rectifying their violation and conditions caused by their violation."

4. ORC Section 3734.17 which states in part:

"No person shall accept for transportation or for treatment, storage, or disposal any hazardous waste whose generator has violated any of the rules adopted by the director of environmental protection in accordance with division (B) and (I) of section 3734.12 of the Revised Code with respect to the waste. Any person who accepts for treatment, storage, or disposal any hazardous waste and who violates any of the rules adopted by the director in accordance with divisions (D), (I), and (J) of section 3734.12 of the Revised Code shall be liable for any damage or injury caused by the violation and for the costs of rectifying the violation and conditions caused by the violation in addition to any civil penalties or criminal fines imposed for the violation under section 3734.13 or 3734.99 of the Revised Code."

5. PTI Number 05-11554 (issued December 30, 2004), section 6.3.3 Types of Wastes to Be Received which states in part:

"Waste materials that are not accepted at the RSL facility include hazardous wastes..."

6. OAC Rule 3745-27-19(B)(2) which states in part:

"The owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document, including permit to install..."

**Please provide a written response within 14 days from receipt of this Notice of Violation regarding:**

- o **Rumpke's work plan for the recovery and removal of the flow meters and associated mercury.**
- o **Rumpke's plan to prevent future acceptance of hazardous wastes at the facility.**

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions, please contact me at (937) 285-6049.

Sincerely,



Michelle Ackenhausen  
District Engineer/ES 3  
Division of Materials and Waste Management

MA/tb

ec: Chuck DeJonckhheere, Hamilton County Public Health  
John Butler, Rumpke Sanitary Landfill  
Bonnie Buthker, Chief, SWDO